

PERSONNEL—GENERAL

RESCINDED Per DA Circular

PROCESSING REQUESTS OF MILITARY PERSONNEL FOR ACTION BY THE
ATTORNEY GENERAL UNDER THE CIVIL RIGHTS ACT OF 1964

SECTION		Paragraph
I. GENERAL		
	Purpose.....	1
	Applicability.....	2
	Definitions.....	3
II. POLICIES AND PROCEDURES		
	Information concerning legal rights.....	4
	Requests for suit.....	5
	Inquiry.....	6
	Statement by legal officer.....	7
	Commander's memorandum.....	8
	Forwarding of request.....	9
	Time to complete procedures.....	10
	Completion of action.....	11
	Related complaints.....	12
	Discrimination not covered by Civil Rights Act of 1964.....	13
	Reports.....	14
APPENDIX		
I.	Extract of Titles II, III and IV of Civil Rights Act of 1964.....	--
II.	Chronology Sheet.....	--

Section I. GENERAL

1. **Purpose.** This regulation is in implementation of DOD Instruction No. 5525.2, dated 24 July 1964, providing command assistance to military personnel requesting action by the Attorney General under Titles II, III, and IV of the Civil Rights Act of 1964 (P.L. 88 352, 78 Stat. 241). Its purpose is to promote Department of Defense and Department of the Army policy of fostering equal treatment for military personnel and their dependents by prescribing policies and procedures for the processing of requests for civil rights suits by military personnel electing to utilize command assistance in forwarding such requests to the Attorney General.

2. **Applicability.** This regulation applies to military personnel of the Active Army at Department of the Army installations in the United States, its territories and possessions, and the District of Columbia.

3. **Definitions.** For the purpose of this regulation—

a. "Attorney General" means the Attorney General of the United States.

b. "Commander" means the commanding officer of an installation in the United States, its territories and possessions, and the District of Columbia, under the control of the Department of the Army.

c. "Complainant" means a member of the Active Army who requests the Attorney General to institute suit because of discrimination or segregation directed against him or his dependents of a type with respect to which a remedy is provided by Titles II, III, or IV of the Civil Rights Act of 1964 (appendix I).

d. "Discrimination" or "segregation" means practices violating rights with respect to which a remedy is provided by Titles II, III, or IV.

e. "Facility" means a "place of public accommodation," a "public facility," a "public school," or a "public college" as those terms are defined by provisions of the Civil Rights Act of 1964.

f. "Legal officer" means a commissioned officer of the Army who is a member of the bar of a Federal court or of the highest court of a State

and whose present military duties require that he be a member of the bar.

g. "Notice" means written notice and "notice to the complainant" means, in the case of a complaint signed by more than one person, notice to any one of them.

h. "Request for suit" means a written request

by a member of the Army or a group of members of the Army for the institution of suit by the Attorney General as provided in Titles II, III, or IV, which is submitted for processing pursuant to the provisions of this regulation.

i. "Title" means a title of the Civil Rights Act of 1964.

Section II. POLICIES AND PROCEDURES

4. Information concerning legal rights. Every commander will—

a. Take periodic action to apprise military personnel of the provisions of Titles II, III, and IV, the remedies provided by these Titles, and the office on the installation at which complaints of discrimination may be registered and advice on procedures obtained.

b. Insure that legal assistance offices serving the command are available to advise personnel eligible for legal assistance concerning—

- (1) The application of the Civil Rights Act of 1964 in specific instances;
- (2) The procedures set forth in this regulation; and
- (3) The right of individuals to pursue their remedies through civilian channels without recourse to the procedures prescribed herein.

If there is no legal assistance office on his installation, he will arrange with the Army staff judge advocate for legal assistance. See paragraph 2b, AR 608-50.

5. Requests for suit. a. *Format.* A request for suit need not be in any special form, but it must—

- (1) Be typewritten in at least four copies;
- (2) Contain a statement of facts purporting to show discrimination or segregation in a facility;
- (3) Include a request for suit by the Attorney General;
- (4) State that the provisions of this regulation and the military member's right to submit an application for suit directly to the Attorney General have been explained to the complainant;
- (5) Be signed by the complainant, and in those cases involving an adult dependent of the complainant, by that dependent; and
- (6) Be dated.

b. *Filing.* The original and at least three copies of a request for suit will be filed with the office designated by the commander. Except in the case of a request to which c below is applicable, the receiving office will promptly cause a copy of each request for suit to be forwarded directly to the Attorney General, ATTN: Civil Rights Division, Washington, D.C. 20530, with a covering letter stating "The original of the attached request for suit under the Civil Rights Act of 1964 is being processed and will be forwarded to you in due course."

c. *Requests not to be processed.*

- (1) A commander may, in his discretion, determine that a request is untimely if it relies upon acts of discrimination or segregation occurring more than 60 days prior to the date of the request, and direct that the request not be processed.
- (2) Commanders will not process requests for suit if
 - (a) The complainant is not stationed at the installation concerned, or is on orders to depart the installation; or
 - (b) The request for suit alleges discrimination or segregation occurring beyond normal commuting distance for installation personnel.
- (3) If a request for suit is not to be processed because of the application of (1) or (2) above, the complainant will be given notice thereof and be advised that he may nevertheless address an application for suit directly to the Attorney General.

d. *Preliminary inquiries.* Upon the filing of a request for suit the commander of the installation will (except as provided in c above) appoint an officer in the grade of captain or above or a civilian employee in the grade of GS-8 or above to make a preliminary inquiry. The person designated will be a mature, responsible indi-

vidual. The inquiry will be informal in nature but will be sufficiently detailed to indicate whether discrimination or segregation exists.

e. Voluntary assurances. If the preliminary inquiry supports the complainant's charge of unlawful discrimination or segregation, the commander or his representative will seek an appropriate assurance that future practices at the facility involved will provide for nondiscriminatory treatment of military personnel and their dependents.

f. Action following assurances. If satisfactory assurances with respect to future practices are obtained, the commander will promptly notify the complainant and forward a report to the Attorney General, with two information copies, through command channels, to the Deputy Chief of Staff for Personnel, ATTN: Equal Rights Branch, Personnel Services Division, Department of the Army, Washington, D.C. 20310. The report will briefly summarize the practices giving rise to the complaint, the commander's efforts to obtain assurances concerning future practices, and the terms of the assurances provided.

g. Action if assurances are refused. If the commander is unable to obtain a satisfactory assurance, he will complete the procedures prescribed in paragraphs 6 through 11.

6. Inquiry. *a. Scope.* In every case not resolved by assurances, there will be a further inquiry in accordance with *b* through *e* below. Normally this inquiry will be made by the person who made the preliminary inquiry.

b. Evidence. A sworn statement will be obtained from every person signing the request for suit. If any person signing the request for suit declines to give a sworn statement, the fact will be specifically noted in the report of inquiry and will be considered in the review of such report. Additional sworn statements may be—

- (1) Solicited from other military personnel and their dependents having actual knowledge of the practices of the facility concerned; and
- (2) Received but not solicited from any other person who volunteers to provide information. (The complainant may solicit statements from any source.)

In no instance will authority, implicit or explicit, to require the giving of such additional statements be asserted or suggested.

c. Legal guidance. The person conducting the inquiry, if not an attorney, may be afforded advice by a legal officer so that all reasonably available evidence is adduced relating to every proposition which must be established to obtain relief under the apparently applicable Title. The inquiry will include consideration of evidence bearing upon motive or refuting or supporting defenses based on the assertion that the facility involved is not subject to the apparently applicable Title.

d. Additional evidence.

- (1) If the complainant seeks the initiation of a suit under the provisions of Title II, the inquiry will include the development of evidence bearing on the existence of a pattern or practice as set forth in section 206(a) of the Civil Rights Act of 1964.
- (2) If the complainant seeks the initiation of suit under the provisions of Title III or Title IV, the inquiry will include statements and other evidence concerning the complainant's ability to institute and maintain legal proceedings. So far as possible, the evidence will be adequate to permit an informed determination by the Attorney General pursuant to sections 301(b) and 407(b) of the Civil Rights Act of 1964.

e. Report of inquiry. A report of inquiry, in triplicate, will be prepared to include a summary of evidence indicating the source of factual statements included in the report. The summary of evidence will include known factors regarding the credibility of witnesses and any other information which will facilitate a review of the evidence obtained. A copy of each statement obtained will be appended to the factual summary.

7. Statement by legal officer. The completed report will be informally reviewed for content and completeness by a legal officer. If the commander does not have a legal officer assigned to his installation, he will arrange for the review to be performed by a legal officer at the first superior command level at which a legal officer is assigned. A statement that such a review was conducted, signed by the officer performing the review, will be made a part of the records forwarded with the request for suit. The statement will include any necessary explanatory remarks, including comments concerning the unavailability to installation sources of certain evidence if applicable. The

statement will also report information known to the command concerning pending suits, if any, brought by private parties with respect to the same or competing or closely related facilities. If the review is performed by a legal officer not assigned to the installation of the command receiving the request for suit, the report with the legal officer's statement attached will be returned to the commander of that installation for further action in accordance with paragraphs 8 through 11.

8. Commander's memorandum. Following completion of the legal review, the commander will add a memorandum analyzing the following factors:

a. Impact of discrimination or segregation in the facility involved upon servicemen and their dependents, including a review of the availability of comparable integrated facilities or establishments to personnel against whom the discrimination is directed.

b. Efforts to obtain voluntary assurances, and their results.

c. Favorable or adverse effect of suit by the Attorney General upon the commander's other efforts to secure equal treatment for servicemen and their dependents in nearby communities.

d. Any other consideration which the commander considers relevant.

9. Forwarding of request. The request, the report of inquiry, the legal officer's statement and the commander's memorandum will be attached to a chronology sheet, the format of which is shown in appendix II. The original and one copy of these documents will be forwarded direct to The Judge Advocate General, ATTN: Chief, Litigation Division, Department of the Army, Washington, D.C. 20310, who will review the report for legal sufficiency and forward the original, with such comments as may be appropriate, to the Attorney General. The third copy will be forwarded through command channels to the Deputy Chief of Staff for Personnel, ATTN: Equal Rights Branch, Personnel Services Division, Department of the Army, Washington, D.C. 20310, for transmission to the Assistant Secretary of Defense (Manpower).

10. Time to complete procedures. *a.* The preliminary inquiry, efforts to obtain voluntary assurances, and any further processing required by this regulation will be completed, and the request for suit forwarded, within 30 days following the filing of the request for suit.

b. The time allowed in *a* above may be extended for up to 60 additional days by a commander if he determines that further efforts to obtain voluntary assurances are likely to be successful during such additional period. Notice of any such extension will be provided the complainant.

c. In the event that an installation receives such a large number of requests for suit within such a short period of time that it is unable to process them within the times prescribed above, the commander may request a specific extension of time from The Judge Advocate General (ATTN: Chief, Litigation Division).

11. Completion of action. Action on a request for suit may be regarded as completed at the installation level only upon one of the following conditions:

a. Notice to the complainant under paragraph 5c that his request will not be processed.

b. The obtaining of satisfactory assurances with respect to the ending of the discrimination alleged in the complaint or revealed in the course of inquiry, and notice thereof to the complainant.

c. The dispatch of the completed request for suit and all attachments.

d. A written request by all military personnel signing the original request for suit that the same be withdrawn.

12. Related complaints. *a.* Whenever the officials of an installation receive more than one request for suit alleging discrimination or segregation in the same facility, the request may be consolidated for the purposes of the inquiry, the legal review and the commander's memorandum. The single consolidated record will be forwarded as prescribed in paragraph 9.

b. Whenever the officials of an installation receive a request for suit alleging discrimination or segregation in a facility with respect to which a completed request for suit has been forwarded, only the subsequent request, a summary of additional facts related thereto, and a legal officer's statement containing brief comments indicating the extent to which the new request and information developed with respect to it affects the request for suit previously filed, need be forwarded. Distribution and routing will be as prescribed in paragraph 9.

13. Discrimination not covered by Civil Rights Act of 1964. The fact that the Civil Rights Act

of 1964 does not provide a judicial remedy in a given case of discrimination affecting military personnel or their dependents does not relieve a commander of the responsibility affirmatively to seek equal treatment and opportunity for his men,

and for their dependents, off the installation as well as on. See AR 600-21.

14. Reports. The reports required by this regulation are exempt from reports control by paragraphs 39*n* and *t*, AR 335-15.

APPENDIX I

EXTRACT OF TITLES II, III, AND IV OF CIVIL RIGHTS ACT OF 1964

Public Law 88-352

88th Congress, H.R. 7152

July 2, 1964

AN ACT

To enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civil Rights Act of 1964."

TITLE I

* * * * *

TITLE II—INJUNCTIVE RELIEF AGAINST DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION

SEC. 201. (a) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin.

(b) Each of the following establishments which serves the public is a place of public accommodation within the meaning of this title if its operations affect commerce, or if discrimination or segregation by it is supported by State action:

(1) any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence;

(2) any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment; or any gasoline station;

(3) any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment; and

(4) any establishment (A)(i) which is physically located within the premises of any establishment otherwise covered by this subsection, or (ii) within the premises of which is physically located any such covered

establishment, and (B) which holds itself out as serving patrons of such covered establishment.

(c) The operations of an establishment affect commerce within the meaning of this title if (1) it is one of the establishments described in paragraph (1) of subsection (b); (2) in the case of an establishment described in paragraph (2) of subsection (b), it serves or offers to serve interstate travelers or a substantial portion of the food which it serves, or gasoline or other products which it sells, has moved in commerce; (3) in the case of an establishment described in paragraph (3) of subsection (b), it customarily presents films, performances, athletic teams, exhibitions, or other sources of entertainment which move in commerce; and (4) in the case of an establishment described in paragraph (4) of subsection (b), it is physically located within the premises of, or there is physically located within its premises, an establishment the operations of which affect commerce within the meaning of this subsection. For purposes of this section, "commerce" means travel, trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia and any State, or between any foreign country or any territory or possession and any State or the District of Columbia, or between points in the same State but through any other State or the District of Columbia or a foreign country.

(d) Discrimination or segregation by an establishment is supported by State action within the meaning of this title if such discrimination or segregation (1) is carried on under color of any law, statute, ordinance, or regulation; or (2) is carried on under color of any custom or usage required or enforced by officials of the State or political subdivision thereof; or (3) is required by action of the State or political subdivision thereof.

(e) The provisions of this title shall not apply to a private club or other establishment not in fact open to the public, except to the extent that the facilities of such establishment are made available to the customers or patrons of an establishment within the scope of subsection (b).

SEC. 202. All persons shall be entitled to be free, at any establishment or place, from discrimination or segregation of any kind on the ground of race, color, religion, or national origin, if such discrimination or segregation is or purports to be required by any law, statute, ordinance, regulation, rule, or order of a State or any agency or political subdivision thereof.

SEC. 203. No person shall (a) withhold, deny, or attempt to withhold or deny, or deprive or attempt to deprive, any person of any right or privilege secured by section 201 or 202, or (b) intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person with the purpose of interfering with any right or privilege secured by section 201 or 202, or (c) punish or attempt to punish any person for exercising or attempting to exercise any right or privilege secured by section 201 or 202.

SEC. 204. (a) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 203, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, may be instituted by the person aggrieved and, upon timely application, the court may, in its discretion, permit the Attorney General to intervene in such civil action if he certifies that the case is of general public importance. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and

may authorize the commencement of the civil action without the payment of fees, costs, or security.

(b) In any action commenced pursuant to this title, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs, and the United States shall be liable for costs the same as a private person.

(c) In the case of an alleged act or practice prohibited by this title which occurs in a State, or political subdivision of a State, which has a State or local law prohibiting such act or practice and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, no civil action may be brought under subsection (a) before the expiration of thirty days after written notice of such alleged act or practice has been given to the appropriate State or local authority by registered mail or in person, provided that the court may stay proceedings in such civil action pending the termination of State or local enforcement proceedings.

(d) In the case of an alleged act or practice prohibited by this title which occurs in a State, or political subdivision of a State, which has no State or local law prohibiting such act or practice, a civil action may be brought under subsection (a): *Provided*, That the court may refer the matter to the Community Relations Service established by title X of this Act for as long as the court believes there is a reasonable possibility of obtaining voluntary compliance, but for not more than sixty days: *Provided further*, That upon expiration of such sixty-day period, the court may extend such period for an additional period, not to exceed a cumulative total of one hundred and twenty days, if it believes there then exists a reasonable possibility of securing voluntary compliance.

SEC. 205. The Service is authorized to make a full investigation of any complaint referred to it by the court under section 204(d) and may hold such hearings with respect thereto as may be necessary. The Service shall conduct any hearings with respect to any such complaint in executive session, and shall not release any testimony given therein except by agreement of all parties involved in the complaint with the permission of the court, and the Service shall endeavor to bring about a voluntary settlement between the parties.

SEC. 206. (a) Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by this title, and that the pattern or practice is of such a nature and is intended to deny the full exercise of the rights herein described, the Attorney General may bring a civil action in the appropriate district court of the United States by filing with it a complaint (1) signed by him (or in his absence the Acting Attorney General), (2) setting forth facts pertaining to such pattern or practice, and (3) requesting such preventive relief, including an application for a permanent or temporary injunction, restraining order or other order against the person or persons responsible for such pattern or practice, as he deems necessary to insure the full enjoyment of the rights herein described.

(b) In any such proceeding the Attorney General may file with the clerk of such court a request that a court of three judges be convened to hear and determine the case. Such request by the Attorney General shall be accompanied by a certificate that, in his opinion, the case is of general public importance. A copy of the certificate and request for a three-judge court shall be immediately furnished by such clerk to the chief judge of the circuit (or in his

absence, the presiding circuit judge of the circuit) in which the case is pending. Upon receipt of the copy of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case, and it shall be the duty of the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited. An appeal from the final judgment of such court will lie to the Supreme Court.

In the event the Attorney General fails to file such a request in any such proceeding, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited.

SEC. 207. (a) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this title and shall exercise the same without regard to whether the aggrieved party shall have exhausted any administrative or other remedies that may be provided by law.

(b) The remedies provided in this title shall be the exclusive means of enforcing the rights based on this title, but nothing in this title shall preclude any individual or any State or local agency from asserting any right based on any other Federal or State law not inconsistent with this title, including any statute or ordinance requiring nondiscrimination in public establishments or accommodations, or from pursuing any remedy, civil or criminal, which may be available for the vindication or enforcement of such right.

TITLE III-- DESEGREGATION OF PUBLIC FACILITIES

SEC. 301. (a) Whenever the Attorney General receives a complaint in writing signed by an individual to the effect that he is being deprived of or threatened with the loss of his right to the equal protection of the laws, on account of his race, color, religion, or national origin, by being denied equal utilization of any public facility which is owned, operated, or managed by or on behalf of any State or subdivision thereof, other than a public school or public college as defined in section 401 of title IV hereof, and the Attorney General believes the complaint is meritorious and certifies that the signer or signers of such complaint are unable, in his judgment, to initiate and maintain appropriate legal proceedings for relief and that the institution of an action will materially further the orderly progress of desegregation in public facilities, the Attorney General is authorized to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section. The Attorney General may implead as defendants such addi-

tional parties as are or become necessary to the grant of effective relief hereunder.

(b) The Attorney General may deem a person or persons unable to initiate and maintain appropriate legal proceedings within the meaning of subsection (a) of this section when such person or persons are unable, either directly or through other interested persons or organizations, to bear the expense of the litigation or to obtain effective legal representation; or whenever he is satisfied that the institution of such litigation would jeopardize the personal safety, employment, or economic standing of such person or persons, their families, or their property.

SEC. 302. In any action or proceeding under this title the United States shall be liable for costs, including a reasonable attorney's fee, the same as a private person.

SEC. 303. Nothing in this title shall affect adversely the right of any person to sue for or obtain relief in any court against discrimination in any facility covered by this title.

SEC. 304. A complaint as used in this title is a writing or document within the meaning of section 1001, title 18, United States Code.

TITLE IV—DESEGREGATION OF PUBLIC EDUCATION

Definitions

SEC. 401. As used in this title—

(a) "Commissioner" means the Commissioner of Education.

(b) "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

(c) "Public School" means any elementary or secondary educational institution, and "public college" means any institution of higher education or any technical or vocational school above the secondary school level, provided that such public school or public college is operated by a State, subdivision of a State, or governmental agency within a State, or operated wholly or predominantly from or through the use of governmental funds or property, or funds or property derived from a governmental source.

(d) "School board" means any agency or agencies which administer a system or one or more public schools and any other agency which is responsible for the assignment of students to or within such system.

Survey and Report of Educational Opportunities

SEC. 402. The Commissioner shall conduct a survey and make a report to the President and the Congress, within two years of the enactment of this title, concerning the lack of availability of equal educational opportunities for individuals by reason of race, color, religion, or national origin in public educational institutions at all levels in the United States, its territories and possessions, and the District of Columbia.

Technical Assistance

SEC. 403. The Commissioner is authorized, upon the application of any school board, State, municipality, school district, or other governmental unit legally responsible for operating a public school or schools, to render technical

assistance to such applicant in the preparation, adoption, and implementation of plans for the desegregation of public schools. Such technical assistance may, among other activities, include making available to such agencies information regarding effective methods of coping with special educational problems occasioned by desegregation, and making available to such agencies personnel of the Office of Education or other persons specially equipped to advise and assist them in coping with such problems.

Training Institutes

SEC. 404. The Commissioner is authorized to arrange, through grants or contracts, with institutions of higher education for the operation of short-term or regular session institutes for special training designed to improve the ability of teachers, supervisors, counselors, and other elementary or secondary school personnel to deal effectively with special educational problems occasioned by desegregation. Individuals who attend such an institute on a full-time basis may be paid stipends for the period of their attendance at such institute in amounts specified by the Commissioner in regulations, including allowances for travel to attend such institute.

Grants

SEC. 405. (a) The Commissioner is authorized, upon application of a school board, to make grants to such board to pay, in whole or in part, the cost of -

(1) giving to teachers and other school personnel inservice training in dealing with problems incident to desegregation, and

(2) employing specialists to advise in problems incident to desegregation.

(b) In determining whether to make a grant, and in fixing the amount thereof and the terms and conditions on which it will be made, the Commissioner shall take into consideration the amount available for grants under this section and the other applications which are pending before him; the financial condition of the applicant and the other resources available to it; the nature, extent, and gravity of its problems incident to desegregation; and such other factors as he finds relevant.

Payments

SEC. 406. Payments pursuant to a grant or contract under this title may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Commissioner may determine.

Suits By The Attorney General

SEC. 407. (a) Whenever the Attorney General receives a complaint in writing—

(1) signed by a parent or group of parents to the effect that his or their minor children, as members of a class of persons similarly situated, are being deprived by a school board of the equal protection of the laws, or

(2) signed by an individual, or his parent, to the effect that he has been denied admission to or not permitted to continue in attendance at a public college by reason of race, color, religion, or national origin,

and the Attorney General believes the complaint is meritorious and certifies that the signer or signers of such complaint are unable, in his judgment, to

A1

initiate and maintain appropriate legal proceedings for relief and that the institution of an action will materially further the orderly achievement of desegregation in public education, the Attorney General is authorized, after giving notice of such complaint to the appropriate school board or college authority and after certifying that he is satisfied that such board or authority has had a reasonable time to adjust the conditions alleged in such complaint, to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section, provided that nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards. The Attorney General may implead as defendants such additional parties as are or become necessary to the grant of effective relief hereunder.

(b) The Attorney General may deem a person or persons unable to initiate and maintain appropriate legal proceedings within the meaning of subsection (a) of this section when such person or persons are unable, either directly or through other interested persons or organizations, to bear the expense of the litigation or to obtain effective legal representation; or whenever he is satisfied that the institution of such litigation would jeopardize the personal safety, employment, or economic standing of such person or persons, their families, or their property.

(c) The term "parent" as used in this section includes any person standing in loco parentis. A "complaint" as used in this section is a writing or document within the meaning of section 1001, title 18, United States Code.

SEC. 408. In any action or proceeding under this title the United States shall be liable for costs the same as a private person.

SEC. 409. Nothing in this title shall affect adversely the right of any person to sue for or obtain relief in any court against discrimination in public education.

SEC. 410. Nothing in this title shall prohibit classification and assignment for reasons other than race, color, religion, or national origin.

TITLE V

* * * * *



0001153277

AR 600-22

APPENDIX II

CHRONOLOGY SHEET

Request for Initiation of Suit by the Attorney General

1. Name of Installation:
2. Name(s) and Grade(s) of Complainant(s):
3. Type of Facility Involved:
(Indicate either public accommodation, public facility, public school or public college; and show the subtype as well, For example:
Public Accommodation—Drive-in Restaurant
Public Facility—Municipal Library
Public School—Elementary, Grades 1-6
Public College—Extension Center)
4. Efforts to obtain voluntary compliances were (successful) (partially successful) (unsuccessful).
5. Legal review indicates that a remedy may exist under (Title II) (Title III) (Title IV).
6. Chronology of Processing:
 - A. Complaint Filed:
 - B. Copy Forwarded to Attorney General:
 - C. Preliminary Inquiry Completed:
 - D. Voluntary Compliance Efforts Initiated:
 - E. Voluntary Compliance Efforts Completed:
 - F. Further Inquiry Initiated:
 - G. Report of Inquiry Completed:
 - H. Statement of Legal Officer Completed:
 - I. Commander's Memorandum Completed:
 - J. Forwarded:

[signature block]

AR 600-22

[DCSPER]

By Order of the Secretary of the Army:

Official:

J. C. LAMBERT,
Major General, United States Army,
The Adjutant General.

HAROLD K. JOHNSON,
General, United States Army,
Chief of Staff.

Distribution:

Active Army: To be distributed in accordance with DA Form 12-9 requirements for Military Personnel, General—A.

NG: None.

USAR: None.

